

~~EN BLOC AMENDMENTS TO H.R. 889, AS~~

~~REPORTED~~

OFFERED BY MR. YOUNG OF ALASKA

AMENDMENT NO. 11

At the end of title I add the following:

1 SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HUR-
2 RICANE KATRINA.

3 There is authorized to be appropriated for fiscal year
4 2005 for the operation and maintenance of the Coast
5 Guard, in addition to the amounts authorized for that fis-
6 cal year by section 101(1) of the Coast Guard and Mari-
7 time Transportation Act of 2004 (118 Stat. 1030),
8 \$60,000,000 for emergency hurricane expenses, emer-
9 gency repairs, and deployment of personnel, to support
10 costs of evacuation, and for other costs resulting from im-
11 mediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

12 SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE
13 PLAN.

14 The Secretary of the department in which the Coast
15 Guard is operating shall—

16 (1) by not later than 90 days after the date of
17 the enactment of this Act, submit to the Committee



1 on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a plan for
4 operation and maintenance of Coast Guard ice-
5 breakers in the waters of Antarctica after fiscal year
6 2006 that does not rely on the transfer of funds to
7 the Coast Guard by any other Federal agency; and

8 (2) subject to the availability of appropriations,
9 implement the plan in fiscal years after fiscal year
10 2006.

11 **SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

12 Section 3 of title 14, United States Code, is amended
13 by striking "Upon the declaration of war or when" and
14 inserting "When".

15 **SEC. 212. COMMENDATION, RECOGNITION, AND THANKS**
16 **FOR COAST GUARD PERSONNEL.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) On August 29, 2005, Hurricane Katrina
19 struck the the Gulf of Mexico coastal region of Lou-
20 isiana, Mississippi, and Alabama, causing the worst
21 natural disaster in United States history.

22 (2) The response to such hurricane by members
23 and employees of the Coast Guard has been imme-
24 diate, invaluable, and courageous.



1 (3) Members and employees of the Coast
2 Guard—

3 (A) have shown great leadership in helping
4 to coordinate relief efforts with respect to Hur-
5 ricane Katrina;

6 (B) have used their expertise and special-
7 ized skills to provide immediate assistance to
8 victims and survivors of the hurricane; and

9 (C) have set up remote assistance oper-
10 ations in the affected areas in order to best pro-
11 vide service to Gulf of Mexico coastal region.

12 (4) Members of the Coast Guard have volun-
13 teered their unique resources to assess the situation
14 and deliver aid when and where other relief efforts
15 could not.

16 (5) Members of the Coast Guard have dem-
17 onstrated their resolve and character by providing
18 aid to Hurricane Katrina victims and survivors.

19 (6) Members and employees of the Coast Guard
20 have worked together to bring clean water, food, and
21 resources to victims and survivors in need.

22 (b) COMMENDATION, RECOGNITION, AND THANKS.—
23 The Congress—



1 (1) commends the outstanding efforts in re-
2 sponse to Hurricane Katrina by members and em-
3 ployees of the Coast Guard;

4 (2) recognizes that the actions of these individ-
5 uals went above and beyond the call of duty; and

6 (3) thanks them for their continued dedication
7 and service.

8 **SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD**

9 **PERSONNEL AFFECTED BY HURRICANE**
10 **KATRINA.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, the Secretary of the department in which the
13 Coast Guard is operating may reimburse a person who is
14 eligible under subsection (b) for reimbursement under this
15 section, for losses of qualified property owned by such per-
16 son that result from damage caused by Hurricane
17 Katrina.

18 (b) ELIGIBLE PERSONS.—A person is eligible for re-
19 imbursement under this section if the person is a civilian
20 employee of the Federal Government or member of the
21 uniformed services who—

22 (1) was assigned to, or employed at or in con-
23 nection with, a Coast Guard facility located in the
24 State of Louisiana, Mississippi, or Alabama on or
25 before August 28, 2005;

1 (2) incident to such assignment or employment,
2 owned and occupied property that is qualified prop-
3 erty under subsection (e); and

4 (3) as a result of the effects of Hurricane
5 Katrina, incurred damage to such qualified property
6 such that—

7 (A) the qualified property is unsalable (as
8 determined by the Secretary); and

9 (B) the proceeds, if any, of insurance for
10 such damage are less than an amount equal to
11 the greater of—

12 (i) the fair market value of the quali-
13 fied property on August 28, 2005 (as de-
14 termined by the Secretary); or

15 (ii) the outstanding mortgage, if any,
16 on the qualified property on that date.

17 (c) REIMBURSEMENT AMOUNT.—The amount of the
18 reimbursement that an eligible person may be paid under
19 this section with respect to a qualified property shall be
20 determined as follows:

21 (1) In the case of qualified property that is a
22 dwelling or condominium unit, the amount shall
23 be—

24 (A) the amount equal to the greater of—



1 (i) 85 percent of the fair market value
2 of the dwelling or condominium unit on
3 August 28, 2005 (as determined by the
4 Secretary), or

5 (ii) the outstanding mortgage, if any,
6 on the dwelling or condominium unit on
7 that date; minus

8 (B) the proceeds, if any, of insurance re-
9 ferred to in subsection (b)(3)(B).

10 (2) In the case of qualified property that is a
11 manufactured home, the amount shall be—

12 (A) if the owner also owns the real prop-
13 erty underlying such home, the amount deter-
14 mined under paragraph (1); or

15 (B) if the owner leases such underlying
16 property—

17 (i) the amount determined under
18 paragraph (1); plus

19 (ii) the amount of rent payable under
20 the lease of such property for the period
21 beginning on August 28, 2005, and ending
22 on the date of the reimbursement under
23 this section.

24 (d) TRANSFER AND DISPOSAL OF PROPERTY.—



1 (f) SUBJECT TO APPROPRIATIONS.—The authority to
2 pay reimbursement under this section is subject to the
3 availability of appropriations.

4 **SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

5 Not later than September 15, 2005, and at least once
6 every month thereafter through January 2006, the Com-
7 mandant of the Coast Guard shall report to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate regarding the
11 personnel and assets deployed to assist in the response to
12 Hurricane Katrina and the costs incurred as a result of
13 such response that are in addition to funds already appro-
14 priated for the Coast Guard for fiscal year 2005.

15 **SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZA-**
16 **BETHS HOSPITAL.**

17 The Commandant of the Coast Guard may not move
18 any Coast Guard personnel, property, or other assets to
19 the West Campus of St. Elizabeths Hospital until the Ad-
20 ministrator of General Services submits to the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation and the Committee on Envi-
24 ronment and Public Works of the Senate plans—



1 (1) to provide road access to the site from
2 Interstate Route 295; and
3 (2) for the design of facilities for at least one
4 Federal agency other than the Coast Guard that
5 would house no less than 2,000 employees at such
6 location.

Amend section 405 to read as follows:

7 **SEC. 405. REPORT.**

8 (a) IN GENERAL.—The Commandant of the Coast
9 Guard shall review the adequacy of assets and facilities
10 described in subsection (b) to carry out the Coast Guard's
11 missions, including search and rescue, illegal drug and mi-
12 grant interdiction, aids to navigation, ports, waterways
13 and coastal security, marine environmental protection, and
14 fisheries law enforcement. Not later than 180 days after
15 the date of the enactment of this Act, the Commandant
16 shall submit a report to the Committee on Transportation
17 and Infrastructure of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 of the Senate that includes the findings of that review and
20 any recommendations to enhance mission capabilities in
21 those areas.

22 (b) AREAS OF REVIEW.—The report under sub-
23 section (a) shall provide information and recommendations
24 on the following assets:



1 (1) Coast Guard aircraft, including helicopters,
2 stationed at Air Station Detroit in the State of
3 Michigan.

4 (2) Coast Guard vessels and aircraft stationed
5 in the Commonwealth of Puerto Rico.

6 (3) Coast Guard vessels and aircraft stationed
7 in the State of Louisiana along the Lower Mis-
8 sissippi River between the Port of New Orleans and
9 the Red River.

10 (4) Coast Guard vessels and aircraft stationed
11 in Coast Guard Sector Delaware Bay.

12 (5) Physical infrastructure at Boat Station
13 Cape May in the State of New Jersey.

In section 412 insert “of 1990” after “Oil Pollution
Act”.

At the end of title IV add the following:

14 **SEC. 413. DETERMINATION OF THE SECRETARY.**

15 Section 70105(c) of title 46, United States Code, is
16 amended—

17 (1) in paragraph (3) by inserting before the pe-
18 riod “before an administrative law judge”; and

19 (2) by adding at the end the following:

20 “(5) In making a determination under paragraph
21 (1)(D), the Secretary shall not consider a felony conviction

1 that occurred more than 7 years prior to the date of the
2 Secretary's determination.”.

3 **SEC. 414. REPORT ON TECHNOLOGIES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Commandant of the Coast Guard
6 shall submit a report to the Committee on Transportation
7 and Infrastructure of the House of Representatives and
8 the Committee on Commerce, Science, and Transportation
9 of the Senate that includes an assessment of—

10 (1) the availability and effectiveness of tech-
11 nologies that evaluate and identify inbound vessels
12 and their cargo for potential threats before they
13 reach United States ports, including technologies al-
14 ready tested or in testing at joint operating centers;
15 and

16 (2) the costs associated with implementing such
17 technology at all United States ports.

18 **SEC. 415. MOVEMENT OF ANCHORS.**

19 Section 12105 of title 46, United States Code, is
20 amended by adding at the end the following:

21 “(c) Only a vessel for which a certificate of docu-
22 mentation with a registry endorsement is issued may be
23 employed in the setting or moving of the anchors or other
24 mooring equipment of a mobile offshore drilling unit that
25 is located above or on the outer Continental Shelf of the



1 United States (as that term is defined in section 2(a) of
2 the Outer Continental Shelf Lands Act (43 U.S.C.
3 1331(a)).”.

4 **SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF**
5 **VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

6 (a) GENERAL INSPECTION EXEMPTION.—Section
7 3302(c)(2) of title 46, United States Code, is amended
8 to read as follows:

9 “(2) Except as provided in paragraphs (3) and (4)
10 of this subsection, the following fish tender vessels are ex-
11 empt from section 3301(1), (6), (7), (11), and (12) of this
12 title:

13 “(A) A vessel of not more than 500 gross tons
14 as measured under section 14502 of this title or an
15 alternate tonnage measured under section 14302 of
16 this title as prescribed by the Secretary under sec-
17 tion 14104 of this title.

18 “(B) A vessel engaged in the Aleutian trade
19 that is not more than 2,500 gross tons as measured
20 under section 14302 of this title.”.

21 (b) OTHER INSPECTION EXEMPTION AND WATCH
22 REQUIREMENT.—Paragraphs (3)(B) and (4) of section
23 3302(c) of that title and section 8104 (o) of that title are
24 each amended by striking “or an alternate tonnage meas-
25 ured under section 14302 of this title as prescribed by



1 the Secretary under section 14104 of this title” and in-
2 serting “or less than 500 gross tons as measured under
3 section 14502 of this title, or is less than 2,500 gross tons
4 as measured under section 14302 of this title”.

5 **SEC. 417. ASSESSMENT AND PLANNING.**

6 There is authorized to be appropriated to the Coast
7 Guard \$400,000 to carry out an assessment of and plan-
8 ning for the impact of an Arctic Sea Route on the indige-
9 nous people of Alaska.

10 **SEC. 418. HOMEPORT.**

11 Subject to the availability of appropriations, the Com-
12 mandant of the Coast Guard shall homeport the Coast
13 Guard cutter HEALY in Anchorage, Alaska.

14 **SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FA-**
15 **CILITIES CREATE OBSTRUCTIONS TO NAVI-**
16 **GATION.**

17 In any case in which a person requests the Secretary
18 of the Army to take action to permit a wind energy facility
19 under the authority of section 10 of the Act of March 3,
20 1899 (33 U.S.C. 403), the Commandant of the Coast
21 Guard shall provide an opinion in writing that states
22 whether the proposed facility would create an obstruction
23 to navigation.



1 **SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE**
2 **DURATION OF LICENSES, CERTIFICATES OF**
3 **REGISTRY, AND MERCHANT MARINERS' DOC-**
4 **UMENTS.**

5 (a) LICENSES AND CERTIFICATES OF REGISTRY.—

6 Notwithstanding sections 7106 and 7107 of title 46,
7 United States Code, the Secretary of the department in
8 which the Coast Guard is operating may temporarily ex-
9 tend the duration of a license or certificate of registry
10 issued for an individual under chapter 71 of that title for
11 up to one year, if—

12 (1) the records of the individual are located at
13 the Coast Guard facility in New Orleans that was
14 damaged by Hurricane Katrina; or

15 (2) the individual is a resident of Alabama,
16 Mississippi, or Louisiana.

17 (b) MERCHANT MARINERS' DOCUMENTS.—Notwith-
18 standing section 7302(g) of title 46, United States Code,
19 the Secretary of the department in which the Coast Guard
20 is operating may temporarily extend the duration of a
21 merchant mariners' document issued for an individual
22 under chapter 73 of that title for up to one year, if—

23 (1) the records of the individual are located at
24 the Coast Guard facility in New Orleans that was
25 damaged by Hurricane Katrina; or



1 (2) the individual is a resident of Alabama,
2 Mississippi, or Louisiana.

3 (c) MANNER OF EXTENSION.—Any extensions grant-
4 ed under this section may be granted to individual seamen
5 or a specifically identified group of seamen.

6 (d) EXPIRATION OF AUTHORITY.—The authorities
7 provided under this section expire on December 31, 2006.

8 **SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE**
9 **DURATION OF VESSEL CERTIFICATES OF IN-**
10 **SPECTION.**

11 (a) AUTHORITY TO EXTEND.—Notwithstanding sec-
12 tion 3307 and 3711(b) of title 46, United States Code,
13 the Secretary of the department in which the Coast Guard
14 is operating may temporarily extend the duration or the
15 validity of a certificate of inspection or a certificate of
16 compliance issued under chapter 33 or 37, respectively,
17 of title 46, United States Code, for up to 6 months for
18 a vessel inspected by a Coast Guard Marine Safety Office
19 located in Alabama, Mississippi, or Louisiana.

20 (b) EXPIRATION OF AUTHORITY.—The authority
21 provided under this section expires on December 31, 2006.



1 **SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR**
2 **LICENSES, CERTIFICATES OF REGISTRY, AND**
3 **MERCHANT MARINERS' DOCUMENTS.**

4 (a) IN GENERAL.—Not later than October 15, 2005,
5 the Commandant of the Coast Guard shall establish a tem-
6 porary facility in Baton Rouge, Louisiana, that is suffi-
7 cient to process applications for new licenses, certificate
8 of registries, and merchant mariners' documents under
9 chapters 71 or 73 of title 46, United States Code. This
10 requirement expires on December 31, 2006.

11 (b) TERMINATION OF REQUIREMENT.—The Com-
12 mandant is not required to maintain such facility after
13 December 31, 2006.

14 **SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.**

15 In any case in which a person requests the Secretary
16 of the Army to take action under the authority of section
17 10 of the Act of March 3, 1899, popularly known as the
18 Rivers and Harbors Appropriations Act of 1899 (chapter
19 425; 33 U.S.C. 403), the Commandant of the Coast Guard
20 shall provide to the Secretary an opinion in writing that
21 states whether the proposed structure or activity would
22 create an obstruction to navigation.

23 **SEC. 424. PORT RICHMOND.**

24 The Secretary of the department in which the Coast
25 Guard is operating acting through the Commandant of the
26 Coast Guard may not approve the security plan under sec-

tion 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.



1 (3) MARY ISLAND LIGHT STATION.—That area
2 described as the remaining National Forest System
3 uplands within the Mary Island Lighthouse Reserve
4 dated January 4, 1901, as amended by Public Land
5 Order 6964, dated April 5, 1993, comprising ap-
6 proximately 1.07 acres.

7 (4) CAPE HINCHINBROOK LIGHT STATION.—
8 That area described in the November 1, 1957, sur-
9 vey prepared for the Coast Guard, comprising ap-
10 proximately 57.4 acres.

11 (c) MAPS.—

12 (1) REQUIREMENT TO PREPARE.—The Com-
13 mandant of the Coast Guard, in consultation with
14 the Secretary of Agriculture, shall prepare and
15 maintain maps of the lands transferred by sub-
16 section (a), and such maps shall be on file and avail-
17 able for public inspection in the Coast Guard Dis-
18 trict 17 office in Juneau, Alaska.

19 (2) CORRECTIONS AND MODIFICATIONS.—In
20 preparing such maps, the Commandant of the Coast
21 Guard, with the approval of the Secretary of Agri-
22 culture, may make corrections and minor modifica-
23 tions to the lands described or depicted to facilitate
24 Federal land management. Such maps, as so cor-



1 rected or modified, shall have the same effect as if
2 enacted in this section.

3 (d) EFFECT OF TRANSFER.—The lands transferred
4 to the Secretary of the department in which the Coast
5 Guard is operating under subsection (a)—

6 (1) shall be administered by the Commandant
7 of the Coast Guard;

8 (2) shall be deemed transferred from and no
9 longer part of the National Forest System; and

10 (3) shall be considered not suitable for return
11 to the public domain for disposition under the gen-
12 eral public land laws.

13 (e) TRANSFER OF LAND.—

14 (1) REQUIREMENT.—Subject to paragraph (2),
15 the Administrator of General Services, upon request
16 by the Secretary of Agriculture, shall transfer to the
17 Secretary of Agriculture, without consideration, any
18 land identified in subsection (b), together with the
19 improvements thereon, for administration under the
20 laws pertaining to the National Forest System, if—

21 (A) the Secretary of the Interior cannot
22 identify and select an eligible entity in accord-
23 ance with section 308(b)(2) of the National
24 Historic Preservation Act (16 U.S.C. 470w-
25 7(b)(2)) within 3 years after the date the Sec-



1 retary of the department in which the Coast
2 Guard is operating determines that the land is
3 excess property, as that term is defined in sec-
4 tion 102(3) of title 40, United States Code; or
5 (B) the land reverts to the United States
6 pursuant to section 308(c)(3) of the National
7 Historic Preservation Act (16 U.S.C. 470w-
8 7(c)(3)).

9 (2) RESERVATIONS FOR AIDS TO NAVIGA-
10 TION.—Any action taken under this subsection by
11 the Administrator of General Services shall be sub-
12 ject to any rights that may be reserved by the Com-
13 mandant of the Coast Guard for the operation and
14 maintenance of Federal aids to navigation.

15 (f) NOTIFICATION; DISPOSAL OF LANDS BY THE AD-
16 MINISTRATOR.—The Administrator of General Services
17 shall promptly notify the Secretary of Agriculture upon
18 the occurrence of any of the events described in subpara-
19 graphs (A) and (B) of subsection (e)(1). If the Secretary
20 of Agriculture does not request a transfer as provided for
21 in subsection (e) within 90 days after receiving such notifi-
22 cation from the Administrator, the Administrator may dis-
23 pose of the property in accordance with section 309 of the
24 National Historic Preservation Act (16 U.S.C. 470w-8)

1 or other applicable surplus real property disposal author-
2 ity.

3 (g) PRIORITY.—In selecting an eligible entity to
4 which to convey, under section 308(b) of the National His-
5 toric Preservation Act (16 U.S.C. 470w-7(b)), land re-
6 ferred to in subsection (b), the Secretary of the Interior
7 shall give priority to any eligible entity, as defined in sec-
8 tion 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the
9 local government of the community in which the land is
10 located.

11 **SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WIL-**
12 **DERNESS.**

13 (a) REQUIREMENT TO TRANSFER.—Notwithstanding
14 section 308(b) of the National Historic Preservation Act
15 (16 U.S.C. 470w-7(b)), if the Secretary of the department
16 in which the Coast Guard is operating determines that the
17 Tree Point Light Station is no longer needed for the pur-
18 poses of the Coast Guard, the Secretary shall transfer to
19 the Secretary of Agriculture all administrative jurisdiction
20 over the Tree Point Light Station, without consideration.

21 (b) EFFECTUATION OF TRANSFER.—A transfer
22 under this subsection shall be effectuated by a letter from
23 the Secretary of the department in which the Coast Guard
24 is operating to the Secretary of Agriculture and, except
25 as provided in subsection (g), without any further require-

1 ments for administrative or environmental analyses or ex-
2 amination. Such transfer shall not be considered a convey-
3 ance to an eligible entity pursuant to section 308(b) of
4 the National Historic Preservation Act (16 U.S.C. 470w-
5 7(b)).

6 (c) RESERVATION FOR AIDS TO NAVIGATION.—As
7 part of any transfer pursuant to this subsection, the Com-
8 mandant of the Coast Guard may reserve rights to operate
9 and maintain Federal aids to navigation at the site.

10 (d) EASEMENTS AND SPECIAL USE AUTHORIZA-
11 TIONS.—Notwithstanding any other provision of law, in-
12 cluding the Wilderness Act (16 U.S.C. 1131), and section
13 703 of the Alaska National Interests Lands Conservation
14 Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect
15 to the property transferred under this subsection, the Sec-
16 retary of Agriculture—

17 (1) may identify an eligible entity to be granted
18 an easement or other special use authorization and,
19 in doing so, the Secretary of Agriculture may con-
20 sult with the Secretary of the Interior concerning
21 the application of policies for eligible entities devel-
22 oped pursuant to subsection 308(b)(1) of the Na-
23 tional Historic Preservation Act (16 U.S.C. 470w-
24 7(b)(1)); and



1 (2) may grant an easement or other special use
2 authorization to an eligible entity, for no consider-
3 ation, to approximately 31 acres as described in the
4 map entitled "Tree Point Light Station," dated Sep-
5 tember 24, 2004, on terms and conditions that pro-
6 vide for—

7 (A) maintenance and preservation of the
8 structures and improvements;

9 (B) the protection of wilderness and Na-
10 tional Monument resources;

11 (C) public safety; and

12 (D) such other terms and conditions
13 deemed appropriate by the Secretary of Agri-
14 culture.

15 (e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified
16 TION.—In the event that no eligible entity is identified
17 within 3 years after administrative jurisdiction is trans-
18 ferred to the Secretary of Agriculture pursuant to this
19 subsection, or the easement or other special use authoriza-
20 tion granted pursuant to subsection (d) is terminated or
21 revoked, the Secretary of Agriculture may take such ac-
22 tions as are authorized by subsection 110(b) of the Na-
23 tional Historic Preservation Act (16 U.S.C. 470h-2(b)).

24 (f) REVOCATION OF WITHDRAWALS AND RESERVA-
25 TIONS.—Effective on the date of transfer of lands as pro-



1 vided in this subsection, the following public land with-
2 drawals or reservations for light station and lighthouse
3 purposes on lands in Alaska are revoked as to the lands
4 transferred:

5 (1) The unnumbered Executive order dated
6 January 4, 1901, as it affects the Tree Point Light
7 Station site only.

8 (2) Executive Order 4410 dated April 1, 1926,
9 as it affects the Tree Point Light Station site only.

10 (g) REMEDIATION RESPONSIBILITIES NOT AF-
11 FECTED.—Nothing in this section shall affect any respon-
12 sibilities of the Commandant of the Coast Guard for the
13 remediation of hazardous substances and petroleum con-
14 tamination at the Tree Point Light Station consistent with
15 existing law and regulations. The Commandant and the
16 Secretary shall execute an agreement to provide for the
17 remediation of the land and structures at the Tree Point
18 Light Station.

19 **SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

20 For purposes of section 416(a)(2) of Public Law
21 105-383, the Cape St. Elias Light Station shall comprise
22 approximately 10 acres in fee, along with additional access
23 easements issued without consideration by the Secretary
24 of Agriculture, as generally described in the map entitled
25 “Cape St. Elias Light Station,” dated September 14,

1 2004. The Secretary of the department in which the Coast
2 Guard is operating shall keep such map on file and avail-
3 able for public inspection.

4 **SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NA-**
5 **TIONAL WILDLIFE REFUGE, FLORIDA.**

6 (a) REVOCATION OF EXECUTIVE ORDER DATED NO-
7 VEMBER 12, 1838.—Any reservation of public land de-
8 scribed in subsection (b) for lighthouse purposes by the
9 Executive Order dated November 12, 1838, as amended
10 by Public Land Order 5655, dated January 9, 1979, is
11 revoked.

12 (b) DESCRIPTION OF LAND.—The public land re-
13 ferred to in subsection (a) consists of approximately 8.0
14 acres within the external boundaries of St. Marks National
15 Wildlife Refuge in Wakulla County, Florida, that is east
16 of the Tallahassee Meridian, Florida, in Township 5
17 South, Range 1 East, Section 1 (fractional) and con-
18 taining all that remaining portion of the unsurveyed frac-
19 tional section, more particularly described as follows: A
20 parcel of land, including submerged areas, beginning at
21 a point which marks the center of the light structure,
22 thence due North (magnetic) a distance of 350 feet to the
23 point of beginning a strip of land 500 feet in width, the
24 axial centerline of which runs from the point of beginning
25 due South (magnetic) a distance of 700 feet, more or less,



1 to the shoreline of Apalachee Bay, comprising 8.0 acres,
2 more or less, as shown on plat dated January 2, 1902,
3 by Office of L. H. Engineers, 7th and 8th District, Mobile,
4 Alabama.

5 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-
6 TION.—Subject to subsection (f), administrative jurisdic-
7 tion over the public land described in subsection (b), and
8 over all improvements, structures, and fixtures located
9 thereon, is transferred from the department in which the
10 Coast Guard is operating to the Secretary of the Interior,
11 without reimbursement.

12 (d) RESPONSIBILITY FOR ENVIRONMENTAL RE-
13 SPONSE ACTIONS.—The Coast Guard shall have sole re-
14 sponsibility in the Federal Government to fund and con-
15 duct any response action required under any applicable
16 Federal or State law or implementing regulation to
17 address—

18 (1) a release or threatened release on public
19 land referred to in subsection (b) of any hazardous
20 substance, pollutant, contaminant, petroleum, or pe-
21 troleum product or derivative that is located on such
22 land on the date of the enactment of this Act; or

23 (2) any other release or threatened release on
24 public land referred to in subsection (b) of any haz-
25 ardous substance, pollutant, contaminant, petroleum,



1 or petroleum product or derivative, that results from
2 any Coast Guard activity occurring after the date of
3 the enactment of this Act.

4 (e) INCLUSION IN REFUGE.—

5 (1) INCLUSION.—The public land described in
6 subsection (b) shall be part of St. Marks National
7 Wildlife Refuge.

8 (2) ADMINISTRATION.—Subject to this sub-
9 section, the Secretary of the Interior shall admin-
10 ister the public land described in subsection (b)—

11 (A) through the Director of the United
12 States Fish and Wildlife Service; and

13 (B) in accordance with the National Wild-
14 life Refuge System Administration Act of 1966
15 (16 U.S.C. 668dd et seq.) and such other laws
16 as apply to Federal real property under the sole
17 jurisdiction of the United States Fish and Wild-
18 life Service.

19 (f) MAINTENANCE OF NAVIGATION FUNCTIONS.—

20 The transfer under subsection (c), and the administration
21 of the public land described in subsection (b), shall be sub-
22 ject to such conditions and restrictions as the Secretary
23 of the department in which the Coast Guard is operating
24 considers necessary to ensure that—



1 (1) the Federal aids to navigation located at St.
2 Marks National Wildlife Refuge continue to be oper-
3 ated and maintained by the Coast Guard for as long
4 as they are needed for navigational purposes;

5 (2) the Coast Guard may remove, replace, or
6 install any Federal aid to navigation at the St.
7 Marks National Wildlife Refuge as may be necessary
8 for navigational purposes;

9 (3) the United States Fish and Wildlife Service
10 will not interfere or allow interference in any man-
11 ner with any Federal aid to navigation, nor hinder
12 activities required for the operation and maintenance
13 of any Federal aid to navigation, without express
14 written approval by the Secretary of the department
15 in which the Coast Guard is operating; and

16 (4) the Coast Guard may, at any time, enter
17 the St. Marks National Wildlife Refuge, without no-
18 tice, for purposes of operating, maintaining, and in-
19 specting any Federal aid to navigation and ensuring
20 compliance with this subsection, to the extent that
21 it is not possible to provide advance notice.

22 **TITLE VI—RESPONSE**

23 **SEC. 601. SHORT TITLE.**

24 This title may be cited as the “Delaware River Pro-
25 tection Act of 2005”.



1 **SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RE-**
2 **LEASE OF OBJECTS INTO THE NAVIGABLE**
3 **WATERS OF THE UNITED STATES.**

4 The Ports and Waterways Safety Act (33 U.S.C.
5 1221 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RE-**
8 **LEASE OF OBJECTS INTO THE NAVIGABLE**
9 **WATERS OF THE UNITED STATES.**

10 “(a) REQUIREMENT.—As soon as a person has
11 knowledge of any release from a vessel or facility into the
12 navigable waters of the United States of any object that
13 creates an obstruction prohibited under section 10 of the
14 Act of March 3, 1899, popularly known as the Rivers and
15 Harbors Appropriations Act of 1899 (chapter 425; 33
16 U.S.C. 403), such person shall notify the Secretary and
17 the Secretary of the Army of such release.

18 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any
19 notification provided by an individual in accordance with
20 subsection (a) shall not be used against such individual
21 in any criminal case, except a prosecution for perjury or
22 for giving a false statement.”.

23 **SEC. 603. LIMITS ON LIABILITY.**

24 (a) ADJUSTMENT OF LIABILITY LIMITS.—



1 (1) TANK VESSELS.—Section 1004(a)(1) of the
2 Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is
3 amended—

4 (A) by redesignating subparagraph (B) as
5 subparagraph (C);

6 (B) by striking subparagraph (A) and in-
7 serting the following:

8 “(A) with respect to a single-hull vessel,
9 including a single-hull vessel fitted with double
10 sides only or a double bottom only—

11 “(i) \$1,550 per gross ton for an inci-
12 dent that occurs in 2005;

13 “(ii) \$1,900 per gross ton for an inci-
14 dent that occurs in 2006; or

15 “(iii) \$2,250 per gross ton for an inci-
16 dent that occurs in 2007 or in any year
17 thereafter; or

18 “(B) with respect to a double-hull vessel
19 (other than any vessel referred to in subpara-
20 graph (A))—

21 “(i) \$1,350 per gross ton for an inci-
22 dent that occurs in 2005;

23 “(ii) \$1,500 per gross ton for an inci-
24 dent that occurs in 2006; and



1 “(iii) \$1,700 per gross ton for any in-
2 cident that occurs in 2007 or in any year
3 thereafter; or”; and

4 (C) in subparagraph (C), as redesignated
5 by subparagraph (A) of this paragraph—

6 (i) in clause (i) by striking
7 “\$10,000,000” and inserting
8 “\$14,000,000”; and

9 (ii) in clause (ii) by striking
10 “\$2,000,000” and inserting “\$2,500,000”.

11 (2) LIMITATION ON APPLICATION.—In the case
12 of an incident occurring before the date of the enact-
13 ment of this Act, section 1004(a)(1) of the Oil Pol-
14 lution Act of 1990 (33 U.S.C. 2704(a)(1)) shall
15 apply as in effect immediately before the effective
16 date of this subsection.

17 (b) ADJUSTMENT TO REFLECT CONSUMER PRICE
18 INDEX.—Section 1004(d)(4) of the Oil Pollution Act of
19 1990 (33 U.S.C. 2704(d)(4)) is amended to read as fol-
20 lows:

21 “(4) ADJUSTMENT TO REFLECT CONSUMER
22 PRICE INDEX.—The President shall, by regulations
23 issued no later than 3 years after the date of the en-
24 actment of the Delaware River Protection Act of
25 2005 and no less than every 3 years thereafter, ad-

1 just the limits on liability specified in subsection (a)
2 to reflect significant increases in the Consumer Price
3 Index.”.

4 **SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA**
5 **CONTINGENCY PLAN.**

6 The Philadelphia Area Committee established under
7 section 311(j)(4) of the Federal Water Pollution Control
8 Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12
9 months after the date of the enactment of this Act and
10 not less than annually thereafter, review and revise the
11 Philadelphia Area Contingency Plan to include available
12 data and biological information on environmentally sen-
13 sitive areas of the Delaware River and Delaware Bay that
14 has been collected by Federal and State surveys.

15 **SEC. 605. SUBMERGED OIL REMOVAL.**

16 (a) AMENDMENTS.—Title VII of the Oil Pollution
17 Act of 1990 is amended—

18 (1) in section 7001(c)(4)(B) (33 U.S.C.
19 2761(c)(4)(B)) by striking “RIVERA,” and insert-
20 ing “RIVERA and the T/V ATHOS I;”; and

21 (2) by adding at the end the following:

22 **“SEC. 7002. SUBMERGED OIL PROGRAM.**

23 **“(a) PROGRAM.—**

24 **“(1) ESTABLISHMENT.—**The Undersecretary of
25 Commerce for Oceans and Atmosphere, in conjunc-

1 tion with the Commandant of the Coast Guard, shall
2 establish a program to detect, monitor, and evaluate
3 the environmental effects of submerged oil. Such
4 program shall include the following elements:

5 “(A) The development of methods to re-
6 move, disperse or otherwise diminish the per-
7 sistence of submerged oil.

8 “(B) The development of improved models
9 and capacities for predicting the environmental
10 fate, transport, and effects of submerged oil.

11 “(C) The development of techniques to de-
12 tect and monitor submerged oil.

13 “(2) REPORT.—The Secretary of Commerce
14 shall, no later than 3 years after the date of the en-
15 actment of the Delaware River Protection Act of
16 2005, submit to the Committee on Transportation
17 and Infrastructure of the House of Representatives
18 and the Committee on Commerce, Science, and
19 Transportation and the Committee on Environment
20 and Public Works of the Senate a report on the ac-
21 tivities carried out under this subsection and activi-
22 ties proposed to be carried out under this subsection.

23 “(3) FUNDING.—There is authorized to be ap-
24 propriated to the Secretary of Commerce \$1,000,000



1 for each of fiscal years 2006 through 2010 to carry
2 out this subsection.

3 “(b) DEMONSTRATION PROJECT.—

4 “(1) REMOVAL OF SUBMERGED OIL.—The
5 Commandant of the Coast Guard, in conjunction
6 with the Undersecretary of Commerce for Oceans
7 and Atmosphere, shall conduct a demonstration
8 project for the purpose of developing and dem-
9 onstrating technologies and management practices to
10 remove submerged oil from the Delaware River and
11 other navigable waters.

12 “(2) FUNDING.—There is authorized to be ap-
13 propriated to the Commandant of the Coast Guard
14 \$2,000,000 for each of fiscal years 2006 through
15 2010 to carry out this subsection.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 in section 2 of such Act is amended by inserting after the
18 item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

19 **SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY**
20 **COMMITTEE.**

21 (a) ESTABLISHMENT.—There is established the Dela-
22 ware River and Bay Oil Spill Advisory Committee (in this
23 section referred to as the “Committee”).

24 (b) FUNCTIONS.—



1 (1) IN GENERAL.—The Committee shall, by not
2 later than 1 year after the date the Commandant of
3 the Coast Guard (in this section referred to as the
4 “Commandant”) completes appointment of the mem-
5 bers of the Committee, make recommendations to
6 the Commandant, the Committee on Transportation
7 and Infrastructure of the House of Representatives,
8 and the Committee on Commerce, Science, and
9 Transportation of the Senate on methods to improve
10 the prevention of and response to future oil spills in
11 the Delaware River and Delaware Bay.

12 (2) MEETINGS.—The Committee—

13 (A) shall hold its first meeting not later
14 than 60 days after the completion of the ap-
15 pointment of the members of the Committee;
16 and

17 (B) shall meet thereafter at the call of the
18 Chairman.

19 (c) MEMBERSHIP.—The Committee shall consist of
20 15 members who have particular expertise, knowledge, and
21 experience regarding the transportation, equipment, and
22 techniques that are used to ship cargo and to navigate
23 vessels in the Delaware River and Delaware Bay, as fol-
24 lows:



1 (1) Three members who are employed by port
2 authorities that oversee operations on the Delaware
3 River or have been selected to represent these enti-
4 ties, of whom—

5 (A) one member must be an employee or
6 representative of the Port of Wilmington;

7 (B) one member must be an employee or
8 representative of the South Jersey Port Cor-
9 poration; and

10 (C) one member must be an employee or
11 representative of the Philadelphia Regional Port
12 Authority.

13 (2) Two members who represent organizations
14 that operate tugs or barges that utilize the port fa-
15 cilities on the Delaware River and Delaware Bay.

16 (3) Two members who represent shipping com-
17 panies that transport cargo by vessel from ports on
18 the Delaware River and Delaware Bay.

19 (4) Two members who represent operators of oil
20 refineries on the Delaware River and Delaware Bay.

21 (5) Two members who represent environmental
22 and conservation interests.

23 (6) Two members who represent State-licensed
24 pilots who work on the Delaware River and Dela-
25 ware Bay.



1 (7) One member who represents labor organiza-
2 tions that load and unload cargo at ports on the
3 Delaware River and Delaware Bay.

4 (8) One member who represents the general
5 public.

6 (d) APPOINTMENT OF MEMBERS.—The Commandant
7 shall appoint the members of the Committee, after solic-
8 iting nominations by notice published in the Federal Reg-
9 ister.

10 (e) CHAIRMAN AND VICE CHAIRMAN.—The Com-
11 mittee shall elect, by majority vote at its first meeting,
12 one of the members of the Committee as the Chairman
13 and one of the members as the Vice Chairman. The Vice
14 Chairman shall act as Chairman in the absence of or inca-
15 pacity of the Chairman, or in the event of vacancy in the
16 Office of the Chairman.

17 (f) PAY AND EXPENSES.—

18 (1) PROHIBITION ON PAY.—Members of the
19 Committee who are not officers or employees of the
20 United States shall serve without pay. Members of
21 the Committee who are officers or employees of the
22 United States shall receive no additional pay on ac-
23 count of their service on the Committee.

24 (2) EXPENSES.—While away from their homes
25 or regular places of business, members of the Com-

1 mittee may be allowed travel expenses, including per
2 diem, in lieu of subsistence, as authorized by section
3 5703 of title 5, United States Code.

4 (g) TERMINATION.—The Committee shall terminate
5 one year after the completion of the appointment of the
6 members of the Committee.

7 **SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.**

8 The Maritime Transportation Security Act of 2002
9 (Public Law 107–295) is amended—

10 (1) in section 407—

11 (A) in the heading by striking “**LOWER**
12 **COLUMBIA RIVER**”; and

13 (B) by striking “\$987,400” and inserting
14 “\$1,500,000”; and

15 (2) in the table of contents in section 1(b) by
16 striking the item relating to section 407 and insert-
17 ing the following:

“Sec. 407. Maritime fire and safety activities.”.

